

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MALIK J. SOUDAH, et al.,

Plaintiffs,

v.

**Civil Action 2:11-cv-206
JUDGE GREGORY L. FROST
Magistrate Judge E.A. Preston Deavers**

RADOSLAW LEWKOWSKI, et al.,

Defendants.

ORDER

This matter is before the Court for consideration of the August 24, 2011 Report and Recommendation of the United States Magistrate Judge Elizabeth A. Preston Deavers. (ECF No. 4.) The Magistrate Judge recommended that the Court grant dismiss this action without prejudice pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely effect service of process.

The Report and Recommendation specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a “waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court.” (Report and Recommendation 2, ECF No. 4.) The time period for filing objections to the Report and Recommendation has expired. Plaintiffs have not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation. Noting that no objections

have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation. Accordingly, the Court **DISMISSES** this action **WITHOUT PREJUDICE** pursuant to Rule 4(m).

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE